

Briefing Note (11 June 2019)**Developer Contributions – Roles and Responsibilities****Planning Applications, S106 Agreements and Governance**

This note has been prepared to assist partners with understanding Leicestershire County Council (LCC) officers' roles and responsibilities for dealing with the matters listed below, along with perceived 'conflicts of interest'.

1. County-wide strategic planning matters
2. LCC's planning application for Lutterworth East (as 'applicant')
3. Project management of LCC's planning application
4. Co-ordination of S106 developer contribution requests
5. Determining LCC's planning application
6. Strategic Partner

1. County-wide strategic planning matters**Strategic Planning Group (SPG)**

The County Council is part of the county-wide SPG, made up of senior representatives of the City Council, County Council, seven District Councils and the Leicester and Leicestershire Enterprise Partnership (LLEP). This group discusses cross-boundary strategic planning matters primarily to inform the preparation of local plans (and supporting evidence) and other strategic planning issues that affect planning decision making, including infrastructure, funding and cross-boundary planning application matters. This includes producing the recently adopted Strategic Growth Plan (SGP) for Leicester and Leicestershire. Bill Cullen (Chief Executive, Hinckley and Bosworth BC) is the Chair of this meeting. Tom Purnell (Assistant Chief Executive) attends on behalf of LCC, accompanied by Ian Vears (Assistant Director, Environment and Transport).

The SPG has been briefed about the UHL S106 contributions and at its May 2019 meeting and resolved to commission legal advice to understand whether the requests for contributions comply with CIL regulations. This advice is being sought to assist local planning authorities in making decisions, but none of the partners will be bound by that advice. Each local authority is legally required to determine their own planning applications based on the merits of each planning application, having regard to their own planning policies and other material planning considerations.

Members Advisory Group (MAG)

The MAG is a group of political leaders, cabinet members and portfolio holders which represent each of the City, County and district authorities on strategic planning matters. This group meets to provide political guidance and leadership to SPG. Members are supported by senior officers from each of the City, County and district authorities. Mr Pendleton (now the County Council's representative on the MAG having previously represented NWLDC) was re-elected as chair of MAG on 11 July 2019). He is supported by Ann Carruthers (Strategic Director, Environment and Transport) and Tom Purnell (Assistant Chief Executive).

Planning Officers Forum (POF)

The POF is a group that sits underneath SPG and comprises heads of planning from each of the City, County and district planning authorities. POF provides

technical support to SPG and has responsibility for delivering projects set by SPG. This might include commissioning evidence studies or agreeing statements of common ground to inform the production of plans. The POF chair for 2018/19 is Nic Thomas (LCC Head of Planning). Nic also attends SPG meetings as representative of POF.

POF is not a decision-making body and makes no decisions on whether S106 requests should be accepted or rejected by local authorities. Its role is to provide technical advice to SPG.

2. Leicestershire County Council's (LCC's) planning application for Lutterworth East (as 'applicant')

The applicant for the Lutterworth East planning application is Leicestershire County Council. The officer lead is Jon Bennett (Head of Strategic Property). Jon works within the Directorate of Corporate Resources, led by Chris Tambini. Jon commissioned Marrons Planning to prepare and submit the planning application to Harborough District Council (HDC) on LCC's behalf. All liaison between HDC and LCC as applicant is between HDC officers (led by the case officer, Andrew Senior) and Marrons Planning.

3. Project management of LCC's planning application

Being public sector owned and led, Lutterworth East presents an opportunity to deliver a unique form of development that is high quality, innovative and aspirational. To ensure alignment with LCC's strategic outcomes, Simon Lawrence (Major Projects Manager) has a project management and co-ordination role. Simon works with colleagues throughout LCC, including service providers, to ensure that the Lutterworth East development aligns with the County Council's strategic plan.

Simon does not have a role as 'applicant' for the Lutterworth East scheme and has no strategic planning role.

4. Co-ordination of S106 developer contribution requests

The County Council has a responsibility for delivering infrastructure, whether that be through developer contributions or through facilities being constructed as part of major development making use of its own capital funds or through successfully securing external funding (e.g. Housing Infrastructure Fund (HIF)). The co-ordination of developer contributions for LCC infrastructure and facilities falls within LCC's Chief Executive's department, led by LCC's Planning team (Nic Thomas' service area). For Lutterworth East, this includes the range of facilities necessary to make the development high quality and sustainable, including community and health facilities.

Nic Thomas is not involved in Lutterworth East as 'applicant' and has no involvement in the planning application process with LCC's officers (as applicant) or Harborough District Council as decision maker.

Nic has a responsibility to periodically report to Members (Cabinet) on S106 matters.

5. Determining LCC's planning application

The Local Planning Authority for the Lutterworth East planning application is Harborough District Council (HDC). Norman Proudfoot is Joint Chief Executive at

HDC and represents HDC at SPG. David Atkinson is Head of Planning and Regeneration at HDC and represents that authority at POF. The recommendation about whether to grant planning permission, and any S106 requirements and/or planning conditions will be made by HDC officers. The decision will be taken by HDC's Planning Committee, or the Secretary of State if the application is 'called-in' (or if HDC refuse the application and an appeal is lodged).

It is a matter for HDC as to whether they consider individual requests for S106 developer contributions to be compliant with relevant legislation and their local plan policies and if so, the weight they give to these requests (including all relevant information) as part of the decision-making process.

LCC, in its capacity as applicant, is entitled to make representation to HDC about whether requests are in accordance with the relevant legislation and local plan policies. Similarly, they will be entitled to raise any concerns about how a package of S106 obligations affects the viability of the scheme.

The County Council also acts as a consultee to the planning application process for matters such as highways, education, waste, social care etc. Careful consideration is given to avoid there being any conflict of interest between these responsibilities and the County Council acting as the developer, in this case.

6. Strategic Partner

The County Council along with the other strategic public-sector bodies in the County, have an additional responsibility for collaboration. The County Council is committed to delivering growth in a way that meets its strategic objectives and outcomes but also, where possible, aligns to the objectives and outcomes of other public-sector bodies in the County. In particular given the joint national policy agenda with the NHS on health and care integration LCC has a role in supporting placebased discussions with the NHS, so that every opportunity is taken to collaborate on developments which further the delivery of health and wellbeing outcomes to Leicestershire's citizens.

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